

FINAL ACTION ON SEABIRD AVOIDANCE REGULATIONS

North Pacific Fishery Management Council

December 9, 2001

Alternative 4: Complete seabird avoidance regulations, as revised by regulatory amendment.

Alternative 4 incorporates, by reference, the measures in Alternative 3 for vessels over 55 ft LOA.

1. Seabird avoidance measures would apply to the operators of vessels using hook-and-line gear as follows:
 - A. Pacific halibut in the IFQ and CDQ management programs (0 to 200 nm),
 - B. IFQ sablefish in EEZ waters (3 to 200 nm) and waters of the State of Alaska (0 to 3 nm), except waters of Prince William Sound and areas in which sablefish fishing is managed under a State of Alaska limited entry program (Clarence Strait, Chatham Strait), and
 - C. Groundfish (except IFQ sablefish) with hook-and-line gear in the U.S. EEZ waters off Alaska (3-200 nm).
2. Operators of all applicable vessels using hook-and-line gear must:
 - A. Use hooks that when baited, sink as soon as they are put in the water.
 - B. Directed discharge (through chutes, pipes, or other similar devices suited for purpose of offal discharge) of residual bait or offal from the stern of the vessel while setting gear is prohibited. This does not include baits falling off the hook or offal discharges from other locations that parallel the gear and subsequently drift into the wake zone well aft of the vessel. For vessels not deploying gear from the stern (i.e. gear is deployed from the side of the vessel or amidship), directed discharge of residual bait or offal over sinking longlines while gear is being deployed is prohibited. This prohibition of directed discharge of bait is not to be confused with strategic offal discharge, which is allowed.
 - C. Remove embedded hooks in offal that is to be discharged.
 - D. Make every reasonable effort to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.
3. Bird Line Requirements (see Table 1a):

Inside Waters (Area 649, 659, state waters of Cook Inlet):

 - A. A minimum of 1 buoy bag line of a specified performance standard is required of vessels without masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA.
 - B. A minimum of 1 buoy bag line of a specified performance standard is required of vessels with masts, poles, or rigging greater than 26 ft LOA and less than or equal to 32 ft LOA
 - C. A minimum of 1 streamer line of a specified performance standard is required of vessels with masts, poles, or rigging greater than 32 ft LOA and less than or equal to 55 ft LOA.

- D. A minimum of 1 streamer line of a specified performance standard is required of vessels greater than 55 ft LOA.

EEZ:

- A. A minimum of 1 buoy bag line of a specified performance standard and one other specified device is required of vessels without masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA.
- B. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA.
- C. A minimum of paired streamer lines of a specified performance standard is required of vessels greater than 55 ft LOA. (Exemption: see snap gear).

Vessels using Snap Gear:

- A. A minimum of 1 buoy bag line of a specified performance standard and one other specified device is required of vessels without masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA.
- B. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA.
- C. A minimum of 1 streamer line of a specified performance standard is required of vessels with masts, poles, or rigging greater than or equal to 55 ft LOA.

4. Performance Standards for Bird Line Requirements are as follows (Table 1a):

- A. Buoy Bag Line Standard: A buoy bag line (10 to 40m length) is deployed so that it is within 2m horizontally of the point where the main groundline enters the water. The buoy bag line must extend beyond the point where the main groundline enters the water.
- B. Single Streamer Standard:
 - i. A single streamer line must be deployed in such a way that streamers are in the air for a minimum of 40m aft of the stern and within 2m horizontally of the point where the main groundline enters the water.
 - ii. Materials Standard: The minimum streamer line specifications are as follows:
Length: 300 feet (91.4m)

Spacing of streamers: Every 5 meters until performance standard is achieved.

Streamer material: Brightly colored, UV-protected plastic tubing or 3/8 inch polyester line or material of an equivalent density. An individual streamer must hang from the mainline to 0.25 meters of the water in the absence of wind.

C. Paired Streamer Standard:

- i. Deploy a minimum of two streamer lines while setting hook-and-line gear. If both streamer lines cannot be deployed prior to the first hook, at least one streamer line must be deployed before the first hook and both streamers must be fully deployed within 90 seconds.
- ii. Exceptions: In conditions of wind speeds exceeding 30 knots (near gale or Beaufort 7 conditions), it is acceptable to fly a single streamer from the windward side of the vessel. In winds exceeding 45 knots (storm or Beaufort 9 conditions), the safety of crew supersedes deployment of streamer lines.
- iii. Paired Streamer Standard: Paired streamer lines must be deployed in such a way that streamers are in the air for a minimum of 40m aft of the stern for vessels under 100 ft and 60m aft of the stern for vessels 100 ft or over.
 - a. For vessels deploying gear from the stern, the paired streamer lines must be deployed from the stern, one on each side of the main groundline.
 - b. For vessels deploying gear from the side, the paired streamer lines must be deployed from the stern, one over the main groundline and the other on either side of the main groundline.
- iv. Materials Standard: The minimum streamer line specifications are as follows:
Length: 300 feet (91.4m)

Spacing of streamers: Every 5 meters until performance standard is achieved.

Streamer material: Brightly colored, UV-protected plastic tubing or 3/8 inch polyester line or material of an equivalent density. An individual streamer must hang from the mainline to 0.25 meters of the water in the absence of wind.

- v. Snap Gear Streamer Standard: A single streamer line (45 m length) deployed in such a way that streamers are in the air for 20m aft of the stern and within 2m horizontally of the point where the main groundline enters the water.

For vessels <55 ft LOA, the applicable performance standard would be implemented as guidelines in the first year and become regulation in the following year unless modified. The Council further recommends NMFS, WSGP, USFWS, and industry engage in a cooperative study during the first year of the program to determine if modification to the performance standard for this class of vessels is warranted and investigate if vessels <55 ft LOA should be exempted from the seabird avoidance measures when fishing at night from November 1 to April 1.

The Council notes that minor variations from the performance standards are likely. Reasonable efforts displayed by vessels should be taken into consideration prior to enforcement actions. More blatant, intentional and egregious violations should justify enforcement action.

The Council also recommends that the Observer Program and NMFS Enforcement expand outreach and assistance to industry in developing and using seabird avoidance gear, including the training of observers to provide information resources to industry in regards to seabird avoidance measures.

Further the Council recommends that an industry-generated seabird avoidance incident reporting form be completed by a skipper when an incident regarding seabird avoidance measures and performance standards occurs. We further recommend that the Observer Program evaluate the use of this form. The Council recommends to the NMFS Observer Program that it continue a training emphasis on seabird bycatch avoidance. Further, that observers be encouraged to notify the captain quickly if a problem with avoidance measures or performance standards occurs.

5. Other Devices include the following:
 - a. Add weights to groundline.
 - b. Use a buoy bag line or streamer line, of specified performance standards.
 - c. Strategic offal discharge to distract birds away from the setting of baited hooks: Discharge fish, fish parts (i.e. offal) or spent bait to distract seabirds away from the main groundline while setting gear.
6. Requirements for All Operators of Applicable Vessels using hook-and-line gear:
 - A. Seabird avoidance devices as described above must:
 - i. Be onboard the vessel.
 - ii. Be made available for inspection upon request by an authorized officer (USCG, NMFS Enforcement Officer or other designated official)
 - iii. Meet certain specified standards.
 - iv. Be used while hook-and-line gear is being deployed.
 - B. Seabird Avoidance Plan must be:
 - i. Written and onboard the vessel.
 - ii. Contain the following information:
 - a. Vessel Name.
 - b. Master's Name.
 - c. Type of bird avoidance measures utilized.
 - d. Positions and responsibilities of crew for deploying, adjusting, and monitoring performance of deployed gear.
 - e. Instructions/Diagrams outlining the sequence of actions required to deploy and retrieve the gear to meet specified performance standards.
 - f. Procedures for strategic discharge of offal, if any.
 - g. Must be prepared and signed by vessel Master. Master's signature shall indicate all crewmembers have read the plan and are familiar with it.
 - iii. Copy of plan will be given to NMFS observer upon observer's embarkation. A pre-departure meeting is strongly encouraged to discuss the seabird avoidance plan and other observer issues.
 - iv. Made available for inspection upon request by an authorized officer (USCG boarding officer, NMFS Enforcement Officer or other designated official).
 - C. The following measures or methods may be used on a vessel, but must be accompanied by the applicable seabird avoidance requirements:
 - i. night-setting
 - ii. line shooter
 - iii. lining tube.
7. Alternative 4 Option for Small Vessel Modification in Specified Areas:

- A. Vessels 32 ft LOA or less fishing halibut in IPHC Area 4E within 0 to 3 nm would be exempted from seabird avoidance regulations.

Council Intent on Seabird Regulations and Performance Standards

The intent of the performance standards is to ensure correct use of the seabird avoidance devices. The Council recognizes that it is likely that variation from the objective performance standards will occur in the normal course of fishing operations. The Council also recognizes that many of the objective performance standards will be measured subjectively by enforcement personnel and observers.

The Council recommends that enforcement personnel and observers work cooperatively with vessel operators to ensure compliance with the performance standards by using education and warnings (to the extent practicable) prior to issuing a citation or an affidavit attesting to non-compliance of performance standards.

The Council recommends that enforcement and observers take the following into consideration in evaluation of compliance with performance standards:

- Given the context and setting, it is likely that minor variations from the objective performance standards may not warrant an enforcement action.
- More blatant, intentional, and egregious violations could justify an enforcement action.

These considerations are to apply to the 90-second rule, the wind-sea state condition rule, the performance standards for airborne streamer distance, and distance off the groundline.

Revised Table 1a. Alternative 4–Seabird Avoidance Requirements for Vessels, based on Area, Gear, and Vessel Type.
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Location/Gear	Vessel Type					
	≤ 26 ft LOA	>26 to 32 ft LOA (with masts, poles, or rigging)	>26 to 32 ft LOA (without masts, poles, or rigging)	>32 to 55 ft LOA (without masts, poles, or rigging)	>32 to 55 ft LOA (with masts, poles, or rigging)	> 55 ft LOA
Inside	Exempt	Buoy with Performance Standard			Single Streamer	
EEZ		Single Streamer + Other Device	Buoy w/Perf. Std. + Other Device		Single Streamer + Other Device	Paired Streamers
IPHC Area 4E (halibut) (0 to 3 nautical miles)		Exempt		Buoy w/Perf. Std. + Other Device	Single Streamer w/Mod. Perf. Std. + Other Device	
Snap Gear		Single Streamer w/Mod. Perf. Std. + Other Device	Buoy w/Perf. Std. + Other Device			

See text for performance standards.

Other device = added weights to groundline, buoy (as above), strategic offal discharge, streamer line

The following measures or methods may be used on a vessel, but must be accompanied by the applicable seabird avoidance requirements: night-setting, line shooter, and lining tube.
